

Part 2

Creation of Fund

31A-41-201 Creation of Title Insurance Recovery, Education, and Research Fund.

- (1) There is created an expendable special revenue fund to be known as the "Title Insurance Recovery, Education, and Research Fund."
- (2) The fund shall consist of:
 - (a) assessments on individual title insurance producers and agency title insurance producers made under this chapter;
 - (b) amounts collected under Section 31A-41-305; and
 - (c) interest earned on the fund.
- (3) Interest on fund money shall be deposited into the fund.
- (4) The department shall administer the fund.

Amended by Chapter 319, 2013 General Session

Amended by Chapter 400, 2013 General Session

31A-41-202 Assessments.

- (1) An agency title insurance producer licensed under this title shall pay an annual assessment determined by the commission by rule made in accordance with Section 31A-2-404, except that the annual assessment:
 - (a) may not exceed \$1,000; and
 - (b) shall be determined on the basis of title insurance premium volume.
- (2) An individual who applies for a license or renewal of a license as an individual title insurance producer, shall pay in addition to any other fee required by this title, an assessment not to exceed \$20, as determined by the commission by rule made in accordance with Section 31A-2-404, except that if the individual holds more than one license, the total of all assessments under this Subsection (2) may not exceed \$20 in a fiscal year.
- (3)
 - (a) To be licensed as an agency title insurance producer, a person shall pay to the department an assessment of \$1,000 before the day on which the person is licensed as a title insurance agency.
 - (b)
 - (i) The department shall assess on a licensed agency title insurance producer an amount equal to the greater of:
 - (A) \$1,000; or
 - (B) subject to Subsection (3)(b)(ii), 2% of the balance in the agency title insurance producer's reserve account described in Subsection 31A-23a-204(3).
 - (ii) The department may assess on an agency title insurance producer an amount less than 2% of the balance described in Subsection (3)(b)(i)(B) if:
 - (A) before issuing the assessments under this Subsection (3)(b) the department determines that the total of all assessments under Subsection (3)(b)(i) will exceed \$250,000;
 - (B) the amount assessed on the agency title insurance producer is not less than \$1,000; and
 - (C) the department reduces the assessment in a proportionate amount for agency title insurance producers assessed on the basis of the 2% of the balance described in Subsection (3)(b)(i)(B).

- (iii) An agency title insurance producer assessed under this Subsection (3)(b) shall pay the assessment by no later than August 1.
- (4) The department may not assess a title insurance licensee an assessment for purposes of the fund if that assessment is not expressly provided for in this section.

Amended by Chapter 138, 2016 General Session

31A-41-203 Use of money.

- (1) Money in the fund may be used to pay claims made under Part 3, Claims on Fund.
- (2)
 - (a) Except as limited by Subsection (2)(b), money in the fund in excess of \$250,000 may be used by the commissioner, with the consent of the commission, to:
 - (i) investigate violations of this chapter related to fraud by a title insurance licensee;
 - (ii) conduct education and research in the field of title insurance; or
 - (iii) examine a title insurance licensee's:
 - (A) escrow and trust account;
 - (B) examination procedures; or
 - (C) compliance with applicable statutes and rules.
 - (b) The commissioner may not use more than 75% of money collected under this chapter in a fiscal year from assessments and interest for the purposes outlined in this Subsection (2).
- (3) The disclosure of an examination conducted under this section is governed by Section 31A-2-204.

Amended by Chapter 330, 2015 General Session